

HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

THE ESTATE OF JESSIE BOOTH, by and
through STACY BOWEN, personal
representative; J.B. a minor individual by and
through his next friend and guardian, Stacy
Bowen; STACY BOWEN, an individual,

Plaintiffs,

v.

CLARK COUNTY, a municipal corporation;
GRANT HAGEN, an individual; AUSTIN
CLOYD, an individual; JENNIFER BIVER, an
individual; DEO SHARAN, an individual;
EMRAH REBIHIC, an individual; ROBERT
KARCHER, an individual; ALEXANDER
CRUSE, an individual; CHRIS HOLMQUIST,
an individual; DEBORA SCHMIERER, an
individual; NAPHCARE, INC., an Alabama
corporation; and AMANDA BIVER, an
individual,

Defendants.

No. 3:24-cv-05123-DGE

AMENDED ORDER GRANTING
STIPULATED MOTION TO APPROVE
SETTLEMENT, ENTER JUDGMENT
AGAINST CLARK COUNTY, AND
DISMISS

NOTE FOR MOTION CALENDAR:
APRIL 30, 2025

ORDER

This matter comes before the Court on the stipulated motion for approval of a minor settlement for J.B.(Dkt. No. 55). In support of their motion, the parties submit a Settlement Guardian ad Litem ("SGAL") Report (Dkt. Nos. 53-1, 53-2, 54) and the supplemental declaration of Bruce Wolf (Dkt. Nos. 57 & 58). The Court previously appointed Bruce A. Wolf as the SGAL for minor J.B. (Dkt. No.48).

AMENDED ORDER GRANTING STIPULATED MOTION TO
APPROVE SETTLEMENT, ENTER JUDGMENT AGAINST CLARK
COUNTY, AND DISMISS - 1

MACDONALD HOAGUE & BAYLESS
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No. 3:24-cv-05123-DGE

1 Having reviewed the parties' motion (Dkt. No. 55), the SGAL Report and supplemental
 2 declaration of SGAL Bruce Wolf (Dkt. Nos. 53-1, 53-2, 54, 57, 58), and the Notice of Probate
 3 Bench Letter (Dkt. No. 56), the Court finds fair and reasonable the settlement terms set forth in
 4 the SGAL Report and accompanying documents. Accordingly, the stipulated motion to approve
 5 minor settlement is **GRANTED**.

6 Having considered this information and being fully advised, the Court **ORDERS** the
 7 following:

- 8 1. The settlement amount set forth in the sealed Settlement Guardian ad Litem Report and
 9 supplemental declaration (Dkt. Nos. 53-1, 54, 57, 58) is found to be reasonable and is
 10 **APPROVED**.
- 11 2. The settlement to J.B., with a structured settlement pay out through Pacific Life & Annuity
 12 Services, Inc., set forth in the sealed Settlement Guardian ad Litem Report, Exhibit 1, Dkt.
 13 Nos. 53-1, 54, with the remaining settlement portion to be placed into a settlement trust for
 14 J.B. are found to be reasonable and are **APPROVED**. The Court **AUTHORIZES** J.B.'s
 15 settlement trust to be established in a Washington Superior Court. Stacy Bowen as
 16 Conservator in the Circuit Court of the State of Oregon for Clackamas County, Case No.
 17 25PR00908, *In the Matter of Josiah Booth*, upon filing receipts that the annuity has been
 18 purchased and the Settlement Trust has been established and funded, **SHALL** close the
 19 conservatorship by motion pursuant to the order of Circuit Judge Norby's Limited
 20 Judgment Approving Petition for Appointment of Conservator, Approval of Settlement,
 21 and Distribution of Proceeds, as set forth in Dkt. No. 57-1.
- 22 3. The settlement to Ms. Bowen set forth in the sealed Settlement Guardian ad Litem Report
 23 (Dkt. Nos. 53-1, 54) is found to be reasonable and is **APPROVED**.
- 24 4. The attorneys' fees to Plaintiffs' counsel's firm, MacDonald Hoague & Bayless, in the
 25 amount of \$1,200,000, are found to be reasonable and are **APPROVED**.
- 26 5. The costs incurred by MacDonald Hoague & Bayless, in the amount of \$9,964.66, are
 27 found to be reasonable and are **APPROVED**.

6. The attorneys' fees to Plaintiffs' probate counsel's firm, Wyse Kadish LLP, in the amount of \$50,000, are found to be reasonable and are **APPROVED**. Any unused portion of the attorneys' fees and costs shall be returned to J.B. and placed in the J.B.'s settlement trust.
7. The attorneys' fees to draft the settlement trust by the firm Macey-Cushman & Reilly, PLLC in the amount of \$4,500, are found to be reasonable and are **APPROVED**.
8. The costs incurred by Settlement Guardian ad Litem Bruce Wolf were previously approved in Dkt. No. 48 in the amount of \$5,000 and are found to be reasonable and are **APPROVED**.
- ~~9. Clark County's updated policy language set forth in "PRO 05.13.040, Conduct of Suicide Watch," and the agreement to train correctional officers at Clark County Jail on this updated policy in 2025, 2026, and 2027 are found to be reasonable and are **APPROVED**. (Settlement Guardian ad Litem Report, Dkt. No. 53-1 at p. 6, lines 8-15).~~
10. The Court hereby **DISMISSES** all individual defendants: Grant Hagen, Austin Cloyd, Jennifer Biver, Deo Sharan, Emrah Rebihic, Robert Karcher, Alexander Cruse, Chris Holmquist, and Debora Schmierer with prejudice and without costs or fees;
11. The Court hereby **DISMISSES** NaphCare, Inc., with prejudice and without costs or fees;
12. The Clerk shall **ENTER JUDGMENT** against Clark County for \$2,600,000 (two million six hundred thousand dollars);
13. Payment shall be issued pursuant to the terms of the Settlement Agreements within 14 days of this Order; and
14. After judgment is entered, this Court shall **DISMISS** this case with prejudice and without further costs or attorneys' fees on the terms set forth in the Settlement GAL report. The Clerk shall close the case.

IT IS SO ORDERED.

DATED this 4th day of June 2025.



HONORABLE DAVID G. ESTUDILLO

AMENDED ORDER GRANTING STIPULATED MOTION TO
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COUNTY, AND DISMISS - 3

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1 **Jointly presented by:**

2 **MacDONALD HOAGUE & BAYLESS**

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18 ***Attorney for Defendant Jennifer Biver***

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***Attorneys for Defendants Amanda Biver, RN
and NaphCare, Inc.***

CERTIFICATE OF SERVICE

I, Chris Bascom, declare under penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a copy of the AMENDED [PROPOSED] ORDER GRANTING STIPULATED MOTION TO APPROVE SETTLEMENT, ENTER JUDGMENT AGAINST CLARK COUNTY, AND DISMISS on the following participant(s):

KEATING, BUCKLIN & McCORMACK, INC.,
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☐ Via Facsimile
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DATED this 19th day of May, 2025.

/s/ Chris Bascom

Chris Bascom, Legal Assistant